

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Stoughton et al.

Serial No.: 09/038,894

Filed: March 11, 1998

For: METHODS OF DIAGNOSIS AND TRIAGE USING CELL ACTIVATION MEASURES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
ADDRESS OF ORGANIZATION: 9500 Gilman Drive, La Jolla, California 92037

**TYPE OF ORGANIZATION**

- ☒ (X) University or other Institution of Higher Education  
☐ ( ) Tax Exempt under Internal Revenue Service Code (26 U.S.C. §§501(a) and 501(c)(3))  
☐ ( ) Nonprofit Scientific or Educational under Statute of State of the United States of America (Name of State \_\_\_\_\_) (Citation of Statute \_\_\_\_\_)  
☐ ( ) Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§501(a) and 501(c)(3)) if located in the United States of America  
☐ ( ) Would qualify as nonprofit Scientific or Educational under Statute of State of the United States of America if located in the United States of America (Name of State \_\_\_\_\_) (Citation of Statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled METHODS OF DIAGNOSIS AND TRIAGE USING CELL ACTIVATION MEASURES by inventor(s) Stoughton et al. described in

- ☐ ( ) the specification filed herewith  
☒ (X) application Serial No. 09/038,894 filed March 11, 1998  
☐ ( ) Patent No. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name CELL ACTIVATION, INC.  
Address 11555 Sorrento Valley Road, San Diego, California 92121, U.S.A.  
( ) Individual (X) Small Business Concern ( ) Nonprofit Organization

Full Name THE SCRIPPS RESEARCH INSTITUTE  
Address 10550 N. Torrey Pines Road, La Jolla, California 92037, U.S.A.  
( ) Individual ( ) Small Business Concern (X) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING  
TITLE IN ORGANIZATION  
ADDRESS OF PERSON SIGNING

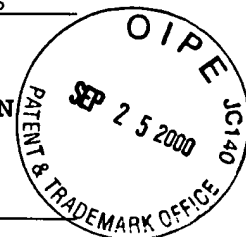
Alan Paau  
Director, Technology Transfer Office  
THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA  
9500 Gilman Drive  
La Jolla, California 92037

SIGNATURE  
DATE

Alan Paau  
Dec 27, 1999

Applicant or Patentee: Stoughton, et al.  
Serial or Patent No.: 09/038,894 Attorney's No.: 24730-2202  
Filed or Issued: March 11, 1998  
Title: METHODS OF DIAGNOSIS AND TRIAGE USING CELL ACTIVATION MEASURES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9 (f) and 1.27 (d) - NON PROFIT ORGANIZATION**



I hereby declare that I am empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION THE SCRIPPS RESEARCH INSTITUTE  
ADDRESS OF ORGANIZATION 10550 North Torrey Pines Road  
La Jolla, California 92037

**TYPE OF ORGANIZATION**

- ☐ University or other institution of higher education  
☒ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))  
☐ Nonprofit scientific or educational under statute of the United States of America  
Name of State \_\_\_\_\_  
Citation of statute \_\_\_\_\_  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)) if located in the United States of America  
Name of State \_\_\_\_\_  
Citation of statute \_\_\_\_\_

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9 (e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled \_\_\_\_\_

**METHODS OF DIAGNOSIS AND TRIAGE USING CELL ACTIVATION MEASURES**

by inventor(s) Stoughton, et al.  
described in

- ☐ the specification filed herewith.  
☒ application Serial No. 09/038,894, filed March 11, 1998  
☐ Patent No. \_\_\_\_\_, filed \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention must file separate verified statements averring to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non profit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

NAME: CELL ACTIVATION, INC.  
ADDRESS: 11555 Sorrento Valley Road, San Diego, California 92121, U.S.A.

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
ADDRESS: 9500 Gilman Drive, La Jolla, California 92093-0093, U.S.A.

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Douglas A. Bingham  
TITLE IN ORGANIZATION Vice President and General Counsel  
ADDRESS OF PERSON SIGNING 10550 North Torrey Pines Road  
La Jolla, California 92037

SIGNATURE: [Signature] DATE: 21 Dec 98